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SPOKANE COUNTY HEARING EXAMINER

SHORELINE VARIANCE TO ALLOW A
RESIDENTIAL DECK TO BE EXPANDED
WATERWARD TO 79' 2" OF THE
HIGHWATER MARK OF LIBERTY LAKE,
WITHIN THE SHORELINE RESIDENTIAL
SHORELINE ENVIRONMENT

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECISION**

APPLICANT: KEVIN FRENCH

FILE NO. SMA-237-19

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I. SUMMARY OF DECISION

Hearing Matter: On April 24, 2019, at approximately 10:30 a.m. an application for a Shoreline Variance to allow a residential deck to be expanded waterward, and 79' 2" to the Ordinary High Water Mark of Liberty Lake, located within the Shoreline Residential Shoreline Environment, pursuant to Table 5B and Section 7.1 of the Spokane County Shoreline Master Program came before the Hearing Examiner for hearing pursuant to Spokane County Code (SCC) 12.400.114.

Summary of Decision: Approved, subject to *revised* conditions.

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II. FINDINGS AND CONCLUSIONS

A. Procedural Matters:

On January 17, 2019, an application for a Shoreline Variance to allow a residential deck to be expanded waterward, and 79' 2" to the Ordinary High Water Mark of Liberty Lake, located within the Shoreline Residential Shoreline Environment, pursuant to Table 5B and Section 7.1 of the Spokane County Shoreline Master Program (SMP) was submitted to Spokane County Building and Planning Department ("Department") in the above-referenced file. The determination of completeness was issued by the Department on February 11, 2019.

The subject property is approximately 50 feet west of the intersection of East 3rd Avenue and South Della Street, adjacent to Liberty Lake, on a platted lot within the Neyland's Lakeview Tracts subdivision, in Section 23, Township 25 North, Range 45 EWM, Spokane County, Washington. The property address is 23710 E 3rd Avenue, Liberty Lake, WA. The site is currently referenced as County Assessor's Tax Parcel No. 55232.1407.

The applicant is Kevin French, owner and resident of the subject property.

Pursuant to Spokane County Code (SCC) Section 13.50, Notice of Application, and SCC Section 13.700, Notice of Hearing, the following notices were properly prepared, mailed, and posted.

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- Notice of Application – mailed by Department on February 15, 2019. Certification of Mailing by Martha Thornton, dated February 15, 2019.
- Notice of Application – posted on the site on February 15, 2019, by the applicant. Affidavit of Posting by Kevin French, dated February 15, 2019.
- Notice of Hearing – mailed to property owners within 400 feet on April 7, 2019, and posted on the site on April 7, 2019. Applicant’s Affidavits of Mailing and Posting, both dated April 10, 2019.
- Notice of Hearing – published in the Spokesman Review, a recognized legal newspaper for the publication of notices, on April 9, 2019. See Affidavit of E. Jean Robinson, April 10, 2019.

Considered to be a minor land use action, this application is categorically exempt from the State Environmental Protection Act (SEPA). Washington Administrative Code (WAC) 197-11-800(6)(b).

The Hearing Examiner conducted a site visit on April 23, 2019.

The hearing for this matter was scheduled, as noted in the Notice of Hearing, for 10:30 a.m. on April 24, 2019, in the Commissioner’s Hearing Room, 1026 East Broadway, Spokane, Washington. The Hearing Examiner heard the application pursuant to the Spokane County Hearing Examiner Ordinance, codified in SCC Chapter 1.46; the County Hearing Examiner Rules of Procedure, adopted by County Resolution No. 1996-0294; Chapter 14.406 (Variance) of the SCZC; and the SMP.

The following persons testified at the hearing, under an oath administered by the Hearing Examiner:

Tammy Jones	Kevin French
Building and Planning Department	kfrenchvet@comcast.net
1026 W Broadway Avenue	
Spokane WA 99260	

Julie French	Ryan Lieuallen
jfrenchvet@comcast.com	ridgeline decks@gmail.com

The following exhibits were submitted at the hearing:

- Exhibit 1 – Building and Planning File No. SMA-237-19, Staff Report
- Exhibit 2 – Photograph of rear of home showing deck
- Exhibit 3 – Photograph of close up of deck

The Hearing Examiner takes notice of the Spokane County Comprehensive Plan (“Comprehensive Plan”), the SMP, the SCZC, the SCC, and other applicable development regulations; recent land use decisions for the site and area, including those listed in the Staff

1 Report submitted by the Department; and the items taken notice of by the Hearing
2 Examiner at the hearing and in this decision.

3 The record includes the documents in the Building and Planning File No. SMA-237-19
4 at the time of the hearing, the electronic recording of the hearing by Hearing Examiner staff,
5 Exhibits 1 through 4 referenced above, the sign-in sheet for the hearing, and the items taken
6 notice of by the Hearing Examiner.

7 Having heard testimony from the Department staff, applicant and applicant's
8 contractor on the matter and there being no other attendees at the hearing, the testimony
9 and record were closed at approximately 11:30 a.m., April 4, 2019 and the hearing adjourned.

10 **B. Description of Site:**

11 The subject property is a legal, nonconforming parcel within the Rural Traditional
12 (RT) zone; a waterfront lot with 60 feet of waterfront and approximately 8,354 square feet in
13 area. The property slopes moderately from north to south with approximately 25 feet of
14 elevation drop between East 3rd Avenue and the lake level. The site is developed with an
15 existing 2-story residential structure and attached garage with an associated
16 driveway/parking, dock, and storage shed near the beach. A deck, approximately 6 feet in
17 depth and spanning the entire width of the residence is attached to the lakeside of the
18 residence. A concrete patio area exists on the ground level in dimensions that match the deck
19 outline above.

20 Consistent with the surrounding properties in the area, the site is developed to what
21 is best described as an urban-level standard, with outbuildings and water activity related
22 improvements, lawn, landscaping, and hardscaped areas covering the remaining areas. The
23 only natural shoreline feature is the narrow sandy beach area directly adjacent to the lake. A
24 small yard exists on the landward side of the home between the home and the road. The
waterward side of the home is comprised of a mix of lawn and landscaped areas with
terraced landscaping walls and a set of stairs leading to the beach.

Uses in the area surrounding the subject property include single family residences on
similarly sized lots along the north shoreline of Liberty Lake. The adjacent parcel on the
west of the property is owned by "North Side Beach Club, Inc" and appears to be used
primarily for lakefront access and recreation such as boating, swimming, etc. The majority
of lots in the area surrounding and near the subject site are also nonconforming with respect
to minimum lot size required by the Rural Traditional (RT) zone.

C. Description of Project:

The owner's home and existing deck, based upon the available records, are lawfully
existing non-conforming structures. The existing second-story covered deck is 6 feet deep
and extends across the entire rear (waterward) wall of the home (32 feet in width). The deck
is accessed from the main level of the home. The construction is wood frame with wooden
support joists, beams, posts, decking, and railings. A concrete patio area below the deck is
accessed from the basement level of the home and matches the outline of the deck above.

1 The applicant proposes to rebuild the deck and expand the footprint of the deck
2 southerly/waterward an additional 9 feet, for a total deck depth of 15 feet from the wall of the
3 home toward the water. The setback of the proposed deck addition would be 79', 2" from the
4 Ordinary High Water Mark (OHWM) of Liberty Lake. Additionally, the applicant requests
5 to extend the deck a width of 5 feet easterly/laterally to create a wrap-around design with
6 stairs to the ground level below, as depicted on the applicant's Site Plan. The 6-foot second-
7 story roof overhang is proposed to remain as-is and not encroach further waterward. The
8 applicant has requested also to extend the patio area below the deck to match the expansion
9 above, as the posts to support the new deck extension will also be moved south, away from
10 the existing patio. The area where the deck and patio extensions are requested is currently
11 maintained yard with a small concrete walkway and steps from the lower central patio area
12 to the yard.

13 The applicant has submitted a JARPA application form which explains some of the
14 additional constructions methods and details.

15 The applicant also submitted a narrative, dated 1/14/19 which seeks to address the
16 Shoreline Variance Criteria in Section 7.1.4 of the SMP and explain the reasoning and
17 justification behind the variance request.

18 *Site Plan:*

19 The Site Plan of Record was prepared by the applicant and drawn to scale and
20 illustrates the existing as-built location of the residence and deck, property lines, Ordinary
21 High Water Mark (OHWM) of Liberty Lake, complete with dimensioned setbacks to property
22 lines and the OHWM. The Site Plan demonstrates the applicant's request for a 79', 2"
23 reduced Shoreline Buffer. The Site Plan was drawn by the applicant based upon
24 measurements found on a document in the project file titled "Elevation Exhibit". This
document is a survey produced by Parametrix and stamped by a licensed professional land
surveyor, dated 1/2/19. This survey established the actual OHWM relative to the existing
home and the boundary of the deck extension shown waterward of the "existing house". The
survey established set hubs for both the OHWM as well as the Base Flood Elevation (BFE),
for compliance with floodplain regulations.

**D. Land Use Designations and Surrounding Conditions for Site and Neighboring
Land:**

The site and surrounding land is designated in the RT zone and Rural Traditional
category of the Comprehensive Plan. Surrounding land includes single-family residential
(including waterfront homes), docks, beach, and waterfront access. The site is located outside
the Urban Growth Area, and within a CARA identified as having high susceptibility.
Spokane County Critical Areas Maps identify no priority habitat species habitat associated
with the site. The site contains no mapped erodible soils, geological hazards, or steep slopes.
There are no identified wetlands associated with the site. FEMA/FIRM Floodplain Maps
identify flood hazard areas/floodplain along the southerly portion of the site.

1 Other residential structures developed along the north shore of Liberty Lake, near or
2 adjacent to the subject site are similarly located within the currently required buffer and
3 have attached decks that extend waterward to approximately the same point or further
waterward than the applicant is proposing for the proposed deck remodel.

4 **E. Agency/Public Comments:**

5 Prior to the hearing on April 24, 2019, the Department received comments from
6 several agencies including conditions of approval and criteria to be met when applying for
building permits. The agency comments and suggested conditions of approval are identified
and discussed later in this decision.

7 No public comment regarding the application was submitted to the Department prior
8 to the hearing and no public comment was offered at the hearing.

9 **F. Consistency with Comprehensive Plan and Zoning Code:**

10 Comprehensive Plan

11 The subject property is located within the Rural Traditional category of the Spokane
12 County Comprehensive Plan, intended to include large-lot residential uses and resource-
13 based industries, including ranching, farming, mining and forestry operations. Industrial
14 uses are limited to industries directly related to and dependent on natural resources. New
non-resource-related industry is allowed, provided it meets the requirements for a major
industrial development outside the UGA (see policy RL.5.1 and RCW 36.70A.365). Rural-
oriented recreation uses also play a role in this category. Rural residential clustering is
allowed in this category.

15 The density of the Rural Conservation category is 1 dwelling unit per 10 acres.

16 The subject property consists of a nonconforming lot of record and is approximately
17 8,354 square feet in size. Most of the lots along the Liberty Lake shoreline in the
18 surrounding area are also nonconforming with respect to lot size allowed by the Rural
Traditional category and the Rural Traditional (RT) zone. Development within the vicinity
of the project more closely resembles a low-density residential setting in terms of lot sizes,
density, and services rather than the current Rural Traditional category.

19 The Rural Traditional category of the Rural Land Use chapter of the Spokane County
20 Comprehensive Plan does not address Shoreline Variance requests as allowed by Section 7.1
of the Spokane County SMP.

21 Zoning:

22 The subject property and surrounding area are located within the Rural Traditional
23 (RT) zone established as a result of adoption of the Phase I Development Regulations on
January 15, 2002. The Rural Traditional (RT) zone allows for residential development.

24 The proposed deck expansion application meets the applicable zoning standards.

1 **G. Consistency with Shoreline Master Program:**

2 The subject property is located within the 200-foot shoreline jurisdiction of Liberty
3 Lake and within the Shoreline Residential designation of the Spokane County Shoreline
4 Program. Applicable sections of the Shoreline Master Program, adopted on 1/22/13, include:

4 2.5 Element 5 - Shoreline Use

5 Goal 1: Assure that shoreline uses are either water-dependent or water-related, and are
6 compatible with adjacent land uses.

6 Policy 1: Shoreline uses should consider the environmental impact of their location,
7 distribution and design.

7 Policy 2: All existing and proposed developments should be provided with a full range of
8 utility services adequate to serve the developments and protect against hazards
9 to the public and the physical environment.

9 Policy 3: Adverse changes to the natural character of the shorelines and interference
10 with the public's use of publicly owned water bodies and shoreline areas should
11 be minimized or prevented.

11 The application proposes the expansion of a deck that has existed on the residential
12 structure since the construction of the residence. The lot and the improvements thereon are
13 an established legal nonconforming use which is similar to a majority of the surrounding
14 properties in the area. All necessary utilities and public services are available to the
15 property and the proposed remodel of the deck will not impact those utilities or services. The
16 application does not propose any changes to the natural character of the shoreline or
17 interfere with the public's use of the water body or shoreline areas. As conditioned herein
18 the proposed deck remodel will not adversely impact the shoreline environment.

16 3.5 Shoreline Residential Environment

16 3.5.1 Purpose

17 The purpose of the Shoreline Residential Environment is to accommodate residential
18 development and appurtenant structures that are consistent with this chapter. An additional
19 purpose is to provide appropriate public access and recreational uses.

19 3.5.2 Management Policies

- 20 1. Standards for density or minimum frontage width, setbacks, lot coverage, buffers,
21 shoreline stabilization, vegetation conservation, critical area protection, and water
22 quality shall be set to assure no net loss of shoreline ecological functions, taking into
23 account the environmental limitations and sensitivity of the shoreline area, the level
24 of infrastructure and services available, and other comprehensive planning
25 considerations.

23 Spokane County has set the required standards as part of its Shoreline Master
24 Program and zoning code.

1 2. Multifamily and multi lot residential and recreational developments should provide
2 joint use of recreational facilities.

3 The established use at the property is single family residential.

4 3. Access, utilities, and public services should be available and adequate to serve
5 existing needs and/or planned future development.

6 All utilities and public services are available at the property as an established use.

7 4. Commercial development should be limited to water-oriented uses and shall be
8 consistent with the Comprehensive Plan.

9 The single family residential use of the property is not proposed to change by this
10 application.

11 5. Allow new over-water structures only for water-dependent uses, public access, or
12 ecological restoration, provided that new privately owned docks and boat ramps
13 serving individual privately owned lots or parcels should not be allowed.

14 The proposed deck remodel is not an overwater structure.

15 6. The size of new over-water structures should be limited to the minimum necessary to
16 support the structure's intended use.

17 See the comment following #5 above.

18 7. All developments and uses on navigable waters or their beds should be located and
19 designed to minimize interference with surface navigation and public access, to
20 consider impacts to public views, and to allow for the safe, unobstructed passage of
21 fish and wildlife, particularly those species dependent on migration.

22 See the comment following #5 above.

23 8. Existing public access should be maintained consistent with the Property Rights
24 Element of this plan.

Policy #8 is not applicable to this application.

9. To protect shoreline ecological function, natural character, aesthetics and scenic
vistas, and commercial and recreational navigation, multiple use of over-water
structures such as docks should be promoted.

See the comment following #5 above.

10. Uses that adversely impact the ecological functions of critical aquatic habitats should
not be allowed except where necessary to achieve the objectives of RCW 90.58.020,
and then only when their impacts are mitigated according to the mitigation
sequencing, described in Section 4.1.2 as necessary to assure no net loss of ecological
functions.

As conditioned herein below the application complies with policy #10.

1 11. Shoreline uses and modifications should be designed and managed to prevent
2 degradation of water quality and alteration of natural hydrologic conditions.

3 As conditioned herein below the application complies with policy #11.

4 SECTION 5 - USE REGULATIONS

5 5.1.3 Application

6 1. These regulations shall apply to any uses, activities, activities and developments, any
7 extension or enlargement of any existing building improvement or use of land in
8 shorelines of the state, and to any division of land, any portion of which is in jurisdiction
9 of this SMP.

10 5.2.1 Use Standards

11 15. All developments, structures, associated landscaping, and uses of shorelines shall be
12 designed, constructed, operated and maintained so as not to intrude into, or damage
13 the topography soils, vegetation or any other element of any shoreline buffer specified
14 in Table 5B of this SMP.

15 As conditioned herein below and with the granting of the variance the proposed deck
16 remodel will comply with standard #15.

17 5.2.2 Structures and Site Development

18 3. No structure shall be erected within buffers and disturbance setbacks set forth in
19 Table 5B, as measured from the ordinary high water mark, except for:

- 20 • bridge approaches and bridges;
- 21 • utility transmission lines;
- 22 • authorized shoreline stabilization structures;
- 23 • stream restoration or enhancement projects;
- 24 • culverts;
- marinas, docks, public or community boat launches;
- buildings related to water dependent public recreation developments, or other
uses demonstrated to be necessary in the public interest and specifically
authorized as exceptions by the use regulations in Section 5.3.

The application requests a variance from standard #3.

19 5.2.5 Protecting Shoreline Ecology and Aesthetics

20 5. Buffers of native plant communities specified in Table 5B of this SMP, measured
21 landward on a horizontal plane perpendicular to the ordinary high water mark, shall
22 be maintained on all shorelines, provided that the following exceptions to this
23 requirement are permitted subject to the mitigation provisions of Section 4;

The application requests a variance from standard #5.

24 5.3.8. Residential

1. All Environments

1 d. All single family and multi-unit residential developments shall comply with the
2 buffer, setback, bulk and dimensional standards set forth in Table 5B of this SMP,
3 and shall be authorized only after approval of a site development plan, indicating the
4 total disturbance footprint as required in Section 4 of this SMP.

The application requests a variance from standard #1.d.

4 6.5 Nonconforming Use and Development

5 4. Structures that were lawfully established and are used for a conforming use but
6 which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height or
7 density may be maintained and repaired and may be enlarged or expanded provided that
8 said enlargement does not increase the extent of nonconformity by further encroaching upon
9 or extending into areas where construction or use would not be allowed for new development
10 or uses.

The application requests a variance from standard #4.

10 **H. SHORELINE VARIANCE**

11 Shoreline Master Program Section 7.1.1

12 In some cases, strict application of the provision of these regulations may cause practical
13 difficulties regarding the use of a property on a shoreline. This Section provides a
14 procedure for a person to request a variance from certain standards in Section 5.

15 Section 7.1.4 "Variance Criteria (WAC 173-27-120)

16 The Hearing Examiner may approve an application for a Variance if all the following
17 criteria are met:

- 18 1. The applicant must demonstrate that extraordinary circumstances exist and the
19 public interest shall suffer no substantial detrimental effect by approval of the
20 variance.

21 The application explains that the existing deck on the residential structure is
22 accessible only from inside and upper level of the residence and is so narrow as to preclude
23 use of the deck by more than a few people at a time. The proposed remodel would allow a
24 more comfortable use of the deck and patio below and would accommodate enough people to
make the deck useable for small gatherings. The stairs leading to the ground from the deck
would allow access from outside of the residence.

As conditioned herein the proposed remodel of the deck would not impact the public
interest or the use or enjoyment of the shoreline environment.

2. Strict application of the performance standards set forth in this regulation precludes,
or significantly interferes with, reasonable use of the property.

As described in the finding following #1 above and the previous sections of this
decision, the residential use of the property and the size of the lot are a legally established
nonconforming use. The waterward extension of the deck and the patio below will allow an
already established use to be more reasonably usable for the occupants of the residence. The
remodeled deck and patio may prove even more safe due to the currently crowded design of
the deck.

1 3. If based on a hardship, such hardship shall be specifically related to the property and
2 be the result of unique conditions such as but not limited to lot shape, size, or natural
features and precludes reasonable use of the property.

3 The hardship described in the application is the extreme limitation on the use of the
4 deck and patio as they now exist. The hardship is a direct result of the size and
5 configuration of the lot and improvements thereon, which were legally established as a
6 nonconforming use at the time of development of the lot and construction of the residential
7 and outbuilding structures on the property.

8 4. The design of the project shall be compatible with other authorized uses within the
9 area and with uses planned for the area under the comprehensive plan and this
10 regulation.

11 The design and size of the proposed deck remodel is consistent with similarly situated
12 residences in the immediate area of the property for which the application is made. Other
13 decks on residences along the same shoreline area are at least as close to the shoreline or
14 closer.

15 5. The approval of the variance shall not cause adverse impacts to the shoreline
16 environment.

17 As conditioned the proposed deck remodel will have no adverse impacts upon the
18 shoreline environment.

19 6. The variance shall not constitute a grant of special privilege not enjoyed by the other
20 properties in the area.

21 See the finding follow #4 above.

22 7. The variance requested shall be the minimum necessary to afford relief.

23 The variance requested is the minimum necessary to afford relief.

24 8. The public rights of navigation and use of the shorelines will not be adversely
affected.

The proposed remodel will have no adverse effect upon the public rights of navigation
and use of the shoreline.

9. In the granting of all variance permits, consideration shall be given to the cumulative
impact of additional requests for like actions in the area. For example if variances
were granted to other developments and/or uses and developments in the area where
similar circumstances exist the total impact of the variances shall also remain
consistent with the goals and policies of the Comprehensive Plan and shall not cause
substantial adverse effects to the shoreline environment.

The requested variance, if granted, will not impact requests for like actions in the
area. A majority of other properties in the vicinity are already consistent with the request
being made in this application.

10. The granting of the variance will not be materially detrimental to the public welfare
or injurious to the property or improvements in the vicinity and environmental
designation in which the property is situated.

The requested variance, if granted and as conditioned herein, is consistent with #10
above.

1 11. The proposal is consistent with the variance criteria specified in WAC 173-27-170.

2 The proposal is consistent with the variance criteria specified in WAC 173-27-170.

3 12. The granting of the variance shall be consistent with the general intent and purpose
4 of the Comprehensive Plan, the purpose and intent of these regulations and the
5 Shoreline Management Act, RCW 90.58.

6 The requested variance, if granted and as conditioned herein, is consistent with #12
7 above.

8 13. Other considerations: The approval of a variance should not:

- 9 a. Be based upon the precedent established by illegal or nonconforming
10 circumstances.
- 11 b. Establish a precedent that will adversely affect the environmental designation
12 concept for the land in the area or the County as a whole.
- 13 c. Be based upon a lack of reasonable economic return or a claim that the existing
14 structure is too small.
- 15 d. Permit the establishment of a use otherwise prohibited in the environmental
16 designation in which the property is located.
- 17 e. Be based on unique circumstances

18 The considerations a – e above have been taken into account by the Hearing
19 Examiner and the Hearing Examiner finds that the requested variance as conditioned herein
20 will be consistent with and not in conflict with those considerations.

21 Authorized Conditions of Granting a Variance

22 Section 7.1.5 of the SMP provides guidance as to appropriate conditions that may
23 applied to the granting of a requested variance, as follows:

24 7.1.5 Conditions Authorized

The Hearing Examiner may attach conditions to the variance necessary to carry out the
intent and purpose of these regulations, the Comprehensive Plan and Shoreline
Management Act, RCW 90.58, to ensure that the variance will be compatible with other
permitted uses in the area, and will not be materially detrimental to the public health,
safety or welfare. Conditions may address but not be limited to the following:

- establishment of buffers
- site specific building envelopes
- vegetation removal
- vegetation enhancement
- water access
- location and installation of utilities
- restoration of preexisting on-site degraded shorelines
- enhancement of existing shoreline buffers
- construction timing and sequencing

- 1 • post development management and operations
- 2 • scheduling of shoreline protection and enhancement measures
- 3 • Any other reasonable restrictions, conditions, or safeguards that will uphold the
4 purpose and intent of the environment designation in which the proposal is
5 located and the Comprehensive Plan

6 Approval of the variance does not preclude the applicant from complying with all other
7 applicable requirements or this regulation.

8 Any finding of fact above that is a conclusion of law is deemed a conclusion of law.
9 Any conclusion of law above that is a finding of fact is deemed a finding of fact.

10 III. DECISION

11 Based on the Findings of Fact and Conclusions of Law above, the application for a
12 Shoreline Variance to allow the remodel of an existing deck and patio below in the RT zone
13 on a legally established nonconforming lot is hereby approved, subject to compliance with the
14 conditions of the various agencies specified below.

15 Any conditions of approval of public agencies that have been added or significantly
16 altered by the Examiner are *italicized*. This approval does not waive the applicant's
17 obligation to comply with all other requirements of other public agencies with jurisdiction
18 over land development.

19 **Conditions of Approval:**

20 Spokane County Building and Planning Department:

- 21 1. All conditions imposed by the Hearing Examiner shall be binding on the "Applicant,"
22 which term shall include the owner or owners *or developers* of the property, heirs,
23 assigns and successors.
- 24 2. The variance applies to the following real property: NEYLANDS LAKEVU TR
&SHORE LANDS S OF&ADJ L7 B4 (Assessor's abbreviated legal description).
1. The proposal shall comply with the regulations of the Shoreline Master Program,
except for the deviation(s) permitted to the required shoreline buffer, and shall
comply with all other applicable chapters of the Spokane County SMP, as amended.
2. The applicant shall develop the subject property substantially in accordance with the
Site Plan of Record submitted on January 17, 2019.
3. The Building and Planning Department shall prepare and record with the Spokane
County Auditor a Title Notice noting that the property in question is subject to a
variety of special conditions imposed by the approval of a land use action. This Title
Notice shall serve as public notice of the conditions of approval affecting the property
in question. The Title Notice shall be recorded within the same time frame as allowed
for an appeal and shall only be released, in full or in part, by the Building and
Planning Department. The Title Notice shall generally provide as follows:

1 "The parcel of property legally described as *(insert legal description here)* is the
2 subject of a land use action by a Spokane County Hearing Examiner on May 10,
3 2019, imposing a variety of special development conditions. File Number SMA-
4 237-19 is available for inspection and copying in the Spokane County Building and
5 Planning Department."

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6. Development of the subject site shall comply with the critical aquifer recharge area (CARA) provisions of the Spokane County Critical Areas Ordinance, as amended.
 7. *All stormwater runoff from the proposed deck and from the proposed patio below the deck shall be channeled to an area on the subject site that is landscaped with a permeable surface that will allow the stormwater runoff to infiltrate into the ground on the subject site without running into Liberty Lake.*
 8. The applicant shall submit a building permit for review and approval in accordance with Spokane County Building codes, including any required plans, studies, or engineering necessary (as to ensure that the structure meets all code requirements).
 9. The applicant should contact the Department of Building and Planning Permit Center at the earliest possible stage in order to be informed of code requirements administered/enforced as authorized by the State Building Code Act.

12 Design/development concerns include addressing, grading, fire apparatus access
13 roads, fire hydrant flow, approved water systems, building accessibility, construction
14 type, occupancy classification, existing exterior wall protection and energy code
15 requirement.

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10. The applicant shall submit any necessary Floodplain permit applications, studies, or submittal requirements with Spokane County Public Works (Floodplains division), as necessary for review and approval of the associated building permit.

21 DATED this 9th day of May, 2019

22 SPOKANE COUNTY HEARING EXAMINER

23 

24 David W. Hubert, WSBA #16488

25 NOTICE OF FINAL DECISION AND NOTICE OF RIGHT TO APPEAL

26 Shoreline Management Program Variance:

27 The above decision regarding the Shoreline Variance is a final decision by the Hearing
28 Examiner on the above-referenced application. Pursuant to RCW 90.58.140(10), the Hearing
29 Examiner's decision is to be submitted to the Department of Ecology for its approval or
30 disapproval. A petition for review of the decision by the Department of Ecology must be

1 commenced within twenty-one days from the date of filing of the decision of the Department
of Ecology pursuant to RCW 90.58.140(6). See also RCW 90.58.180.

2 The complete record in this matter, including this decision, is on file during the
3 appeal period with the Office of the Hearing Examiner, Third Floor, Public Works Building,
1026 W. Broadway Avenue, Spokane, Washington, 99260-0245, (509) 477-7490. The file may
4 be inspected Monday through Friday of each week, except holidays, between the hours of
8:00 a.m. and 4:00 p.m. Copies of the documents in the record will be made available at the
5 cost set by Spokane County.

6 Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation
for property tax purposes notwithstanding any program of revaluation.

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